

## PLANNING APPLICATION REPORT

**Case Officer:** Bryony Hanlon

**Parish:** Salcombe **Ward:** Salcombe and Malborough

**Application No:** 1676/19/HHO

**Agent:**

Mr Murray Ross  
Avalon Planning & Heritage  
11-15 Dix's Field  
Exeter  
EX1 1QA

**Applicant:**

Ms Lucinda Davies  
C/O Agent

**Site Address:** Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG

**Development:** Householder application for proposed roof extension and alterations to front, side and rear (Resubmission of 2098/18/HHO).

**Reason item is being put before Committee:**

Cllrs Long and Pearce have concerns with regards to design, scale and massing, with the associated impacts on townscape, plus the impacts on Myrana.



**Recommendation:** Conditional approval

**Conditions**

- Time limit
- Accord with plans
- Materials as per details
- Stone wall sample panel
- Surface water drainage
- Privacy screens
- Windows to be obscured glazed and fixed shut
- Geotechnical report
- Solar PV panels
- Landscaping scheme
- Limit on hours of construction

Adhere to ecology report

**Key issues for consideration:**

Design, scale and massing, impacts on neighbour amenity, impacts on low carbon energy generation (solar photo voltaic (PV) panels), impacts on the South Devon Area of Outstanding Natural Beauty.

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**Site Description:**

The application site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. The site comprises a south facing, single storey 1960s residential bungalow set above a steeply sloping driveway and single garage. The plot is rectangular and the land rises steeply from east to west, with the existing bungalow cut into the hillside and set back from the road. The site enjoys elevated views over Salcombe and the estuary to the south east, with extensive views of the surrounding countryside beyond. There is a small balcony to the front of the property and the rear garden has been terraced in part, in order to facilitate enjoyment of these views.

The site is accessed via Drake Road; a single-track road connecting Onslow Road to the south with Bonfire Hill to the north. The applicant has advised that the road is the property of the Crown Estates. The road is identified on Devon County Council's Open Data System as "Class Q." For clarity; "the class identifier Q is used to represent those roads which are not maintainable at public expense but have been digitised in order to give a true reflection of the highway network as it will appear on site". At the entrance with Bonfire Hill there is a street sign that identifies Drake Road as a private road with vehicle access for residents only.

To the south of Summerleaze is its neighbour, Pengwern and to the north, Myrana. It should be noted that Myrana is a reverse level property. Both Pengwern and Myrana are angled with the primary windows to their main living space facing in an easterly direction.

**The Proposal:**

The applicant seeks to remove the roof of the existing bungalow and construct additional space over four levels. This includes; construction of an enlarged garage and improved access via the driveway, creation of a new front door, additional bedrooms and bathrooms, external balconies to the front of the building and enlargement of the internal living spaces. The existing pitched roof will be replaced with a butterfly roof and permeable sedum covering. The proposal is accompanied by landscaping plans that include a planting scheme for the front of the property and the replacement of hedges on the northern and southern boundaries. The applicant has also included solar PV panels on the roof.

**Consultations:**

- County Highways Authority                      No objection
- SHDC Environmental Health Officer              No comments
- SHDC Landscape Officer                      No comments
  
- Salcombe Town Council                      Object

Objection as this was still overdevelopment of the site and would be overdominant and although this application proposal removed the deck terrace and opaque glass in the balcony but was not felt to address the size of construction and large removal of earth. This would be overdevelopment of the site and the design was not in keeping with other Drake Road properties and the street scene. A major concern was the loss of light to Miranah and the proposal was felt to be unneighbourly to neighbouring properties as both would visually have a distinct large expanse of wall with windows in them. Concern of overlooking to Miranah from the garden was noted as the upper terrace level included a bridge going across to the garden which was situated at exactly the height of the living accommodation of the neighbouring property. Construction works in that locality, were questioned due to the rocky, instability of the area and access to site was difficult with large vehicles unable to turn

around within the road and town council was not sure how the road would cope with such activity. The design was not felt to blend and nor even use the local vernacular of slate and with its pitches was grossly out of keeping. Housing within that type of area and street scene should evolve and not be a revolution with its completely overbearing mass when viewed from Coronation Road and Drake Road. It would also be contrary to SALCB1 relating to design as it did not respect the scale and design of surrounding buildings and on the other side the south elevation was unneighbourly.

- SHDC Drainage Engineer No objection subject to condition
- South Hams District Council Joint Local Plan Policy Team No objection

## **Representations:**

### **Representations from Residents**

A number of letters of objection have been received (15); due to the planning history some objectors resubmitted their objections to the original scheme. For clarity, only the points of objection relevant to the current scheme can be considered within this report. The comments received include the following points:

#### Principle of development

- The application has only been revised to a marginal extent which fails to make any substantial improvements or alteration that would amend the appeal inspector's decision (APP/121128/D/18/3213974), dated 22 March 2019.
- A more appropriate cost-effective and reduced bulk solution could perhaps be better achieved with a complete replacement house, which would better respond to the slope, building line, height and impact on neighbours.
- The proposal needs to be carefully assessed in terms of the previously approved scheme for the site because the outline of that scheme, as shown on the drawings, does not reflect the volume and bulk compared with the current proposals. It would have had far less impact in terms of skyline and bulk.
- The description of the development is inaccurate; very little of the original house will remain.
- The plans are inaccurate and Officers cannot make an informed determination.
- The current application makes comparisons with a previous planning appeal decision 41/0190/10/F but it does not appear that this permission was ever implemented. As this permission has now lapsed, it should not be used as a basis to justify the new development.

#### Scale and Massing

- Overdevelopment.
- Bulky.
- There remains an additional storey above the current bungalow and significant extensions forward of the current bungalow, and significant extensions forward of the current building lines at all levels. The perception of the proposal is the replacement of a single storey bungalow and a lower single storey garage with a four storey house.
- Will have a detrimental impact on the street scene due to the increased height and bulk.

#### Design

- A pitched roof was previously approved under 41/0190/10/F; this is considered less imposing.
- The balustrade has been chamfered at 45 degrees and this now looks contrived over the roof of the room below. This is a poor attempt to appease the overlooking and loss of light and further demonstrates the design of the building has no integrity or strong design code.
- Out of keeping with the area.
- It is now far too close to the road which will negatively impact on the character of the area, with corresponding loss of soft landscaping which softens the steeply sloping hillside to the west of Drake Road.
- The design appears contrived to suit 45° splay lines from the corner of the neighbours' properties. This has led to a dull and contrived architecture with no finesse. The result is bulky,

poorly detailed and ill proportioned which is totally out of character with the other buildings on Drake Road. This is accentuated by the uncharacteristic butterfly roof, which results in a bulky and brutal top floor, out of character with the normal pitched roofs of the neighbours.

- The removal of the roof and new top floor, with what is essentially a flat roof, does not provide a compact or site specific design solution.

#### Highways and Access

- Drake Road is not a private road, it is an unadopted road, and as such does not benefit from any of the rules or regulations imposed by the Highways Department.
- There is limited access for plant access during construction via Drake Road as it is a single width road (measuring 225cm wide at its narrowest point) on a steep incline that provides the sole access for seven houses.
- There is the potential for damage to the unmetalled surface of Drake Road caused by plant during construction works and no details as to how any damage would be rectified by the applicant if this occurred.
- Due to the gradient of the road and the surrounding area, heavy plant may leave the road and damage adjacent properties.
- The garage and parking spaces appear too small and too close to Drake Road causing unnecessary constriction or perceived narrowing of Drake Road at this point. This is exacerbated by the harsh stone wall and minimal planting proposed.

#### Neighbour Amenity

- Overbearing and leads to a sense of enclosure for neighbours.
- Changes to the balustrade fail to address the overlooking issue and privacy. The proposed terrace at first floor level would still allow views down into the side facing windows of Myrana from a more imposing position. The compromises proposed have no effect on actual or perceived overlooking from here. This would be harmful to the living conditions of the occupants of Myrana.
- The walkways and terraces previously proposed to the rear have been removed. This is not acceptable because these could easily be reinstated with decking or landscaping at a later date.
- Any attempt to provide justification that a high quality landscape scheme would mitigate overlooking should not be taken into account.
- The increase in height of Summerleaze would still affect the amount of sunlight reaching the first floor windows. This loss would therefore be harmful to the living conditions of the occupants of Myrana through loss of sunlight for long periods of the day during the winter. The submitted sunlight and daylight impact assessment demonstrates this.
- The Daylight Impact Assessment by Mach Group suggests that BR209 only identifies kitchens, living rooms and bedrooms as daylight sensitive spaces. I would disagree in this instance, as the whole house relies on south facing daylight to central hall and landing spaces to give it its character and light and airy feel. Any diminution of daylight/sunlight on windows, W1, W7 and W8 would have significant consequences on the house and wellbeing of the occupants on Myrana. Window W1 fails the VSC test, window W7 is reduced from 33.97 to 29.17 – a 15% drop – and window W8 is reduced from 33.94 to 27.43 – a 19% drop. These are considered unacceptable and would severely impact Myrana. The same figures apply to either with or without the trees
- The walkway from the upper floor to the rear decking has been removed from this re-application and if permission were granted, strict planning conditions should be applied to prevent decking being added in future.
- The windows on the north elevation should be obscured glass in perpetuity.
- The corner window on the kitchen/living area on the plan which is clear glass is also an invasion of privacy to the front patio at Myrana, as it is extended beyond the current building line and causing lack of privacy and amenity due to the proximity of the building, despite overlooking of others not so close.

- Harm to Pengwern is considered significant due to loss of light and amenity; the rear terrace which, although not adjacent to the boundary with Pengwern, is at a high level and will overlook the rear garden.
- Obscure glazing has been proposed for windows in the side elevations but lightspill from these windows will still have a detrimental impact on amenity enjoyed by adjoining properties.
- The applicant has noted that boundary hedges will be removed and replaced; a fence and some vegetation have been removed and as such, a boundary dispute is ongoing.
- The proposals also seem to remove planting on the boundary and open up terraces and garden spaces which will overlook the south windows and sitting areas. This will impact on the privacy of the occupants in Myrana.
- Some of the boundary hedges are “party hedges” and the applicant should not assume that these can be removed to facilitate development.

#### Solar Panels

- The proposal will overshadow solar panels on the roof of Myrana which will have a significant impact on their sustainability and viability. The comments regarding shadowing by existing trees are due to a boundary dispute which has prevented maintenance of the trees.
- The building will overshadow the next door property. The energy document RP190910 states under site context that the overshadowing of Myrana may result in a small increase in efficiency of the solar panels, the table however shows that there will in fact be a decrease.
- The loss of sunlight to Myrana result in a loss of income from the feed in tariff and increased electricity bills.
- Many paragraphs in the energy statement contain the wording 'understood,' it is therefore quite appropriate to contend that this Energy Statement is a somewhat generic document that has been produced with very little specific reference to the development proposal and the particular site conditions, or the effect that it will have on neighbouring dwellings

#### Geotechnical

- Concerns have been raised with respect to ground stability.
- The hillside contains a number of springs which may impact ground stability.

#### Planning Policy

- The proposal does not accord with JLP policy DEV25 (1, 2 and 3) Protected Landscapes.
- The proposal does not accord with JLP policy DEV32.
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC B1 (1).
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC ENV1.
- The proposal does not accord with Salcombe Neighbourhood Plan policy SALC ENV2 (b and c).

#### Other:

- Previous permissions have been granted for concrete, steel and glass monstrosities which have then been sold on as second homes.
- The supporting documents with the application contain plans that are subject to copyright.
- If the Summerleaze Planning Application is passed, it would appear that the solid wall at the side of Summerleaze will be so near Pengwern, that there would be insufficient room for scaffolding to be erected.
- The windows on the side elevation of Myrana are as original, having never been obscured.
- Any suggestion of subsidence at Beacon House is false; no evidence has been produced by any third party to support this claim.

## Relevant Planning History

Planning Application Reference	Proposal	Site Address	Decision	Appeal
41/2250/03/F: FUL	Alterations and extension to dwelling	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Refusal: 08 Jan 04	Upheld (Conditional Approval): 12 Nov 04
41/0190/10/F: FUL	Householder application for extension and alteration of existing property	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Conditional approval: 17 Jun 10	N/A
2098/18/HHO	Householder application for proposed removal of roof and construction of additional accommodation	Summerleaze, Drake Road, Salcombe, Devon, TQ8 8EG	Refusal: 10 Sep 18	Dismissed: 22 Mar 19

## ANALYSIS

### Principle of Development/Sustainability:

The site is located within the built form of Salcombe, as well as the South Devon Area of Outstanding Natural Beauty. A residential dwelling currently occupies the site and the principle of development is therefore established.

### Planning History:

Planning Appeal: Planning Reference: 41/2250/03/F: Appeal Reference: APP/K1128/A/04/1146526  
In 2003, the then owner submitted an application for “alterations and extension to dwelling” that included the addition of a further storey to the bungalow. This application was refused on the basis that; “the proposed development, by virtue of its scale, detailed design, siting and prominence would unacceptably affect the appearance of the locality and would harmfully affect the amenities of adjacent residential occupiers. Such development, if approved, would conflict with the objectives of Development Plan Policies C2, C4, SHDC1, SHDC15 and the supporting Planning Principles”. The decision was subsequently overturned by the Planning Inspectorate at an appeal in 2004 and planning permission was granted.

Planning Application: Planning Reference: 41/0190/10/F: In 2010, the then owner submitted a further application for the “extension and alteration of existing property.” This was identical in scale and appearance to the proposal granted under the 2004 planning appeal outlined above. The appeal decision was viewed as a material consideration to the determination process and permission was granted.

Pre-Application Advice: In 2018, the applicant sought advice on the proposal through the Local Planning Authority’s Pre-Application Service. Officers were broadly supportive of the scheme including;

- The proposed increase in height as it was similar to that approved under the 2010 planning appeal.
- The contemporary design, given the variety in size and style of surrounding dwellings, providing the materials were in keeping with the local vernacular.
- The butterfly roof design, as it would reduce the overall height of the building and contribute to the contemporary design.

However, Officers did raise concerns regarding;

- The scale and massing of the proposal, particularly when viewed from Drake Road. Officers advised the applicant to reduce the bulk of the building (particularly the lower floors) and further soften the appearance through planting and landscaping.

- Potential overlooking from the rear access to the external deck area (although the deck itself was not considered unacceptable in principle or design).
- Potential overlooking from the external balcony areas at the front of the property; the installation of privacy screens were suggested as one option to address this issue.

Following the pre-application advice, the applicant did remove some of the bulk on the two lower storeys surrounding the entrance on the south west corner. These changes were reflected in the 2018 application.

#### Planning Application: 2098/18/HHO

The application was subsequently refused as Officers considered that; “The proposed extensions and alterations to the dwelling, by reason of their height, mass and bulk and the introduction of fenestration and useable living and sitting areas at high level, would result in an overbearing impact and an unacceptable loss of privacy and amenity, to the neighbouring properties, in particular Myrana. As such, it is considered to be contrary to adopted policies; DP3: Residential Amenity 1, 2 (a), (b), (c) and (d) of the South Hams Local Development Framework, emerging policies; DEV1: Protecting Health and Amenity (1), DEV2: Air, water, soil, noise, land and light pollution (1) and (4) of the Plymouth and South West Devon Joint Local Plan, and the guidance of the National Planning Policy Framework (NPPF) especially paragraphs; 180 (a) and (c)”.

The applicant appealed the decision and in 2019, the Inspector found “no harm to the living conditions of the occupants of Pengwern, Mallards or the houses in Frobisher Lane” and that; “the proposals also would not result in a significant loss of outlook for the occupants of Myrana”. However, the Inspector did make it clear that that proposal would result in “harmful loss of sunlight, arising from the increased height of the proposal, and the unacceptable increase in overlooking of Myrana, resulting from the elevated terrace and deck/bridge access” and the appeal was dismissed.

The current application is effectively a resubmission of 2098/18/HHO, with some alterations aimed to address the Inspector’s reasons for refusal, along with additional supporting information, including a Daylight Impact Assessment. The key changes comprise; removal of the external deck to the rear of the building, alterations to the balustrading on the first floor balcony and the addition of an obscured glazed full height balustrade on the north elevation to serve as screening. The applicant has also included solar PV panels on the roof.

#### Planning Policy:

Since the 2019 appeal decision was issued, it should be noted that there have been a number of changes to planning policy;

- National Planning Policy Framework – revised 19 June 2019
- Plymouth and South West Devon Joint Local Plan – adopted by all three JLP authorities on 26 March 2019
- Salcombe Neighbourhood Plan – approved at a public referendum on Thursday 25 July 2019

#### Design/Landscape:

Officers maintain that the contemporary design and materials are acceptable. Officers considered that the original proposal was unacceptable due to its bulk/overbearing impact but the Inspector was silent on this issue within the appeal decision and as such it should be assumed that the Inspector considered these aspects to be acceptable. As such, while the objections to the revised proposal regarding bulk and overbearing impact are noted, it is not considered that this matter can be revisited as part of the current scheme and the scheme is considered acceptable on this basis. It is considered appropriate to secure the details of the stone walling at the front of the house, to enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.

#### Neighbour Amenity:

It should be noted that the Planning Inspector found no harm to neighbours other than Myrana and as such, it is only the harm to Myrana that can be assessed as part of the current application.

- Rear Decking

As the rear decking and terracing has been removed from the scheme; there is no concern with regards to overlooking from this element. Objectors have raised concern that this could be added at a later date but the General Permitted Development Order 2015 (as amended) specifically excludes the provision or creation of a verandah, balcony or raised platform under permitted development rights and any such development would therefore require planning permission.

- Overlooking – terrace and windows

The proposal includes an obscured glass full height balustrade in the corner of the first floor balcony on the north side facing Myrana and a retraction of the balustrade away from the eastern corner of the terrace. It is acknowledged that the changes to the balustrading will appear contrived, however, it is not considered that such changes will have such a significantly detrimental impact on the design of the scheme so as to warrant a refusal solely on this basis. As such, the revised balustrading and privacy screen are considered to sufficiently address concerns regarding overlooking at Myrana and are considered acceptable. It is considered appropriate to secure the details and retention of the privacy screen by condition, in the interests of neighbour amenity.

Obscured glazed windows are proposed within the north and south elevations to safeguard amenity of neighbours; it is also considered necessary that these windows should also be fixed shut to prevent overlooking. It is considered appropriate to secure the details and retention of the obscured glazed and fixed shut windows through a planning condition in the interests of residential privacy and amenity.

On this basis, the proposal is unlikely to give rise to significant overlooking and is considered to accord with policy DEV1.

- Loss of Light (including Solar Panels)

The previous application was refused partly on the basis that the proposal would result in a harmful loss of sunlight to the first floor windows in the side (south) elevation of Myrana. The applicant has supplied information to assess the impacts on both daylight and sunlight reaching Myrana. The assessment indicates that while there is loss of both daylight and sunlight to windows on the south elevation of Myrana, “all windows show that at least 80% of available sunlight will still be achieved with the proposed development, and as such the proposed development is in compliance with BRE (Building Research Establishment) guidance” (p. 7, Mach Acoustics Ltd., 25 July 2019).

Notwithstanding the loss of both daylight and sunlight at Myrana, it has not been demonstrated that these losses are significantly harmful and as such, it is not considered that loss of sunlight to Myrana could be substantiated as a reason for refusal.

A recent Court ruling confirms that loss of light to solar panels is a material planning consideration where planning policies exist to mitigate climate change and deliver low carbon development or where it impacts on a renewable energy system [*McLennan, R (on the application of) v Medway Council & Anor [2019] EWHC 1738 (Admin) (10 July 2019)*]. The Court made it clear that this is distinct from protecting private interests. The applicant has supplied information that states shadowing by the proposed development “is recognised to impact the nearest 3 panels only with only a 12% reduction. Across all of the existing panels, the overall reduction will be only 3%” (letter from agent dated 12 July 2019). Officers consider that the area of shading is not the relevant factor, it is the fact that there is shading and that this will reduce the capacity of the installed system. Limiting the ability of the adjoining neighbour to reduce their carbon footprint through the use of their solar PV system does not accord with the wider provisions of the JLP low carbon policy DEV32, as noted by the South Hams District Council JLP Policy Team.

After discussions with the applicant, further information was supplied to demonstrate that through the inclusion of solar panels within the scheme at Summerleaze, there would be no net loss of low-carbon solar energy generation and the proposal would comply with the provisions of policy DEV32. It is acknowledged that the shading of panels at Myrana is likely to result in a loss of power output and a reduction in income associated with the sale of electricity. However, the consideration of impacts to



solar panels in this instance is limited to the overall impact on carbon emissions across the District, rather than protecting the private financial interest in an existing PV installation, as this element was not expressly considered in the Medway case. It is considered appropriate to secure the details of the solar panels by condition, in the interests of sustainability and the environment. On this basis, the proposal is considered to accord with policy DEV32 and the South Hams District Council JLP Policy Team have withdrawn their objection to the scheme.

#### Highways/Access:

The proposal includes a new garage and driveway proposed to improve access to the garage and facilitate off-road parking. Devon County Council Highways have raised no objection to the application and having regard to DCC Highways Standing Advice and to the existing access arrangements, it is not considered that the proposal will result in an increased risk to highways safety.

Drake Road is an unadopted road which the applicant has advised is owned by the Crown Estates; maintenance and upkeep is therefore a civil matter and cannot be considered with this report.

#### Ecology:

The Ecological Report dated 12 June 2018 has concluded that the site is unlikely to support the presence of protected species, such as bats, but, in 2018, did support one herring gull nest. Biodiversity enhancement measures are also set out in the report. As such, it is considered that the proposal is acceptable with regards to ecological constraints, provided that the recommendations of the Ecology Report are followed.

#### Drainage:

The SHDC Drainage Engineer has reviewed the proposal and has recommended a pre-commencement drainage condition to ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development. As such, the proposal is considered acceptable with respect to drainage, subject to condition. A pre-commencement condition is considered necessary, given the extent of excavation proposed within the site. The applicant confirmed acceptance of the pre-commencement condition in writing on 04 October 2019.

#### Geotechnical:

A number of objections have cited concerns regarding ground stability; this issue can only be considered with specific reference to the application site. The National Planning Policy Framework (NPPF) makes it clear in paragraph 179 that; "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner". The applicant has previously confirmed that; "Before starting work the client will appoint a suitably qualified consultant engineer to prepared detailed designs for the structure and substructure and if deemed required carry out a geotechnical survey of the site to confirm the ground conditions". However, the LPA also has a responsibility to ensure that it prevents "new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability" (paragraph 170 (e); see also paragraph 178; NPPF, 2019). While there is presently a dwelling on the site, the alterations are extensive and involve substantial construction works under the floor level of the existing dwelling, the construction of additional floor above, as well as removal of an earth bank at the front of the site. Due to the scale of the proposed works, the gradient of the site and the proximity of neighbouring properties it would be appropriate to impose a planning condition in order to secure the Local Planning Authority's approval of a geotechnical survey (a land instability risk assessment report) prior to the commencement of excavation works. The applicant confirmed acceptance of the pre-commencement condition in writing on 04 October 2019.

#### Construction Management Plan:

A Construction Management Plan is not usually required on a single residential development as the scale of the development limits the potential impact. However, in order to prevent nuisance and protect the amenity currently enjoyed by neighbouring properties, it would be appropriate to impose a planning condition that limits the hours of construction to;

- Monday – Friday 08:00 – 18:00
- Saturday 09:00 – 14:00
- No construction works to be undertaken that are audible beyond the site boundary outside of the hours listed above.

#### South Devon AONB:

The Strategic Planning Team have noted that as proposed, the scheme was contrary to the provisions of DEV25 8(i) in that it fails to conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes of the AONB. The proposal is located well within the built form of Salcombe and while it does not offer enhancement, given the small scale of the proposal and having regard to the current condition of the site, including the presence of an existing residential dwelling, Officers consider that it would be difficult to substantiate a reason for refusal solely on this basis. It should be noted that the Council's Landscape Officer has not raised an objection to the proposal on landscape grounds. The previous appeal was not dismissed on grounds of landscape impact and the landscape impact of this development is not materially different, therefore the proposal is considered acceptable with regards to DEV25.

#### Conclusion:

The assessment of the current proposal is limited solely to the matters raised in the Inspector's appeal decision (namely; loss of sunlight and impacts on neighbour amenity at Myrana) and to the impacts of shading on the solar panels at Myrana, following a recent appeal decision that confirmed this matter now constitutes a material planning consideration. Officers consider that while the revisions to the scheme are minimal, they do address the Inspector's concerns with regarding to overlooking and loss of sunlight at Myrana. Officers consider that the impacts associated with shading of solar panels at Myrana can be addressed through the installation of solar panels at Summerlease to comply with the requirements of DEV32. As such, the previous reasons for dismissing the appeal have been overcome and the application is recommended for conditional approval.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

#### **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
SPT9 Strategic principles for transport planning and strategy  
SPT10 Balanced transport strategy for growth and healthy and sustainable communities  
SPT11 Strategic approach to the Historic environment  
SPT12 Strategic approach to the natural environment  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV10 Delivering high quality housing  
DEV20 Place shaping and the quality of the built environment  
DEV21 Development affecting the historic environment  
DEV23 Landscape character  
DEV25 Nationally protected landscapes  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV28 Trees, woodlands and hedgerows  
DEV29 Specific provisions relating to transport  
DEV31 Waste management  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: South Devon AONB Management Plan (2019-2024).

### **Neighbourhood Plan**

Following a successful referendum, the Salcombe Neighbourhood Plan was made at Executive Committee on 19 September 2019. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Salcombe Neighbourhood Area. It is not considered that the proposal conflicts with the policies below;

SALC ENV1 Impact on the South Devon Area of Outstanding Natural Beauty.  
SALC B1 Design Quality and safeguarding Heritage Assets.

### **Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

### **Conditions**

1. *The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.*

*Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.*

2. *The development hereby approved shall in all respects accord strictly with drawing numbers;*

*Proposed Landscaping Schedule A.16*

*Proposed Section D-D A.14*

*Proposed Wst Elevation A.08*

*Proposed Est Elevation A.07*

*Proposed FF Plan A.06*

*Proposed GF Plan A.05*

*Proposed Lwr GF Plan A.04*

*Proposed Garage Level A.03*

*Proposed Block Plan A.01*

*Site Location Plan T.01*

*Received by the Local Planning Authority on 30 May 2019*

*Proposed Site Plan A.02 Rev A*

*Proposed Sth Elevation A.09 Rev A*

*Proposed Nth Elevation A.10 Rev A*

*Proposed Section A-A A.11 Rev A*

*Proposed Section B-B A.12 Rev A*

*Proposed Section C-C A.13 Rev A*

*Received by the Local Planning Authority on 25 September 2019*

*Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.*

*3. The new stone walls shall be constructed of natural random stone laid traditionally on its quarry bedding. A sample panel of not less than two square metres shall be provided for inspection and written agreement by the Local Planning Authority prior to the construction of any of the new walls. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting this Order), all new stone walls, constructed in accordance with the approved drawings and the terms of this condition, and all existing stone boundary walls shall be retained in their natural stone finish and shall not be rendered, colourwashed or otherwise treated in a manner which would obscure the natural stone finish, nor shall they be demolished either in whole or in part.*

*Reason: To enable the Local Planning Authority to consider the details of all stonework to be constructed as part of the development hereby permitted in order to ensure that the development displays good design and is of a locally distinctive style, and to ensure that all stonework is retained in its natural stone finish.*

*4. The 1.8 m obscure glazed privacy screen as detailed on drawing A.10 Proposed North Elevation Rev A and on the north elevation of the first floor roof terrace hereby permitted shall be installed prior to the use of the terrace and shall thereafter be retained and maintained.*

*Reason: In the interests of the residential amenities of the adjoining occupiers,*

*5. The vertical slot windows on the north and south elevations shall be obscure glazed, non-opening and permanently retained as such.*

*Reason: In the interests of the residential amenities of the adjoining occupiers.*

*6. Surface Water Drainage*

*Notwithstanding the submitted information, no development shall be commenced until full details of the most sustainable drainage option has been submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:*

*1. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).*

*2. The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.*

*However, if the calculated Greenfield runoff rate is too small to be practically achievable, then a maximum offsite discharge rate of 1.0l/s can be considered. Which is achievable in most cases with suitable pre-treatment and shallower storage depth.*

*3. A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels, within the private ownership will be required.*

*4. The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.*

*Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.*

*7. Prior to commencement of the development hereby permitted, a land instability risk assessment report, including details of measures to ensure no adverse impact on land stability within the site or affecting neighbouring land, prepared by a suitably qualified person (s) for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then take place in accordance with those approved details, unless otherwise agreed in writing with the Local Planning Authority.*

*Reason: In order to minimise the risk and effects of land instability on surrounding property, infrastructure and the public.*

*8. Construction works shall only take place during the hours of*

*• Monday – Friday 08:00 – 18:00*

*• Saturday 09:00 – 14:00*

*No construction works that are audible beyond the site boundary are to be undertaken outside of the hours listed above.*

*Reason: In the interests of residential amenity.*

*9. Notwithstanding the details submitted, prior to the development being brought into use, solar panels shall be provided on the roof of the dwellinghouse and shall provide at least the same power output as set out in the Energy Statement Report by the Mach Group, dated 09 September 2019. The solar panels shall be retained and maintained for the lifetime of the development.*

*Reason: In the interests of sustainability and the environment.*

*10. The recommendations, mitigation and enhancement measures of the Ecological Report, by EcoLogic on 12 June 2018, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.*

*Reason: To safeguard the interests of protected species.*